

EXHIBIT 1

IN THE CIRCUIT COURT OF WALKER COUNTY, ALABAMA

GEORGE THOMAS, as Personal)
Representative of the Estate of Rebecca)
Thomas, deceased,)
Plaintiff,)
vs.)
BEHR PAINT COMPANY,)
Defendant.

Civil Action No.

CV 22-10**FILED**

APR 28 2022

COMPLAINT*Juan Odum*
CIRCUIT CLERK-WALKER COUNTY, AL

1. George Thomas ("Plaintiff") is an individual who resides in Walker County, Alabama. Plaintiff brings this action as Personal Representative of the Estate of Rebecca Thomas, deceased.

2. Behr Paint Company ("Defendant" or "BEHR") is a California based supplier of architectural paint and exterior wood care products to the United States. BEHR manufactures interior house paints, exterior house paints, decorative finishes, primers, stains, and surface preparation products sold at The Home Depot.

3. On or about March 7, 2020, the Rebecca Thomas purchased 3 gallons of Wet-Look Sealer ("sealer") at The Home Depot located in Jasper, Alabama.

4. On or about March 7, 2020, Rebecca Thomas applied the sealer at a home she was renovating with her husband. Rebecca wore eyeglasses, gloves, and took all recommended safety precautions before applying the sealer.

5. Immediately after using the sealer, Rebecca became ill and started exhibiting serious symptoms such as large blue bruises and pin-size blue dots appearing in her mouth.

6. Rebecca Thomas immediately went to the urgent care doctor located in Jasper, Alabama. The doctor at urgent care, Dr. Naden, immediately had Rebecca admitted to the hospital for suspicion of acute leukemia.

7. Rebecca was referred to an oncologist at Princeton Baptist Medical Center where she was diagnosed with acute leukemia.

8. Rebecca Thomas was treated at Princeton for several days before being transferred to the oncology department at the University of Alabama at Birmingham Hospital in Birmingham, Alabama, where she was treated for acute leukemia from March 2020 until May 5, 2020.

9. The BEHR Wet-Look Sealer Rebecca Thomas used contained the ingredient Benzene. Benzene is a toxic chemical that is known to cause Acute Myeloid Leukemia (AML) and several other types of blood cancer, including Non-Hodgkin Lymphoma and Myelodysplastic Syndrome. Even low-level exposure to benzene is harmful.

10. The International Agency for Research on Cancer (IARC) is part of the World Health Organization (WHO). One of its goals is to identify causes of cancer. IARC classifies benzene as “carcinogenic to humans,” based on sufficient evidence that benzene causes acute myeloid leukemia (AML). IARC also notes that benzene exposure has been linked with acute lymphocytic leukemia (ALL), chronic lymphocytic leukemia (CLL), multiple myeloma, and non-Hodgkin lymphoma.

11. The National Toxicology Program (NTP) is formed from parts of several different US government agencies, including the National Institutes of Health (NIH), the Centers for Disease Control and Prevention (CDC), and the Food and Drug Administration (FDA). The NTP has classified benzene as “known to be a human carcinogen.”

12. The US Environmental Protection Agency (EPA) maintains the Integrated Risk Information System (IRIS), an electronic database that contains information on human health effects from exposure to various substances in the environment. The EPA classifies benzene as a known human carcinogen.

13. The Defendant sold the sealer and placed it in the stream of commerce where Rebecca Thomas was the ultimate consumer of the product when she purchased it from the Home Depot.

14. The sealer reached Rebecca Thomas, the ultimate consumer of said product, without any substantial change in its condition from the time it was sold by the Defendant.

15. The sealer when it reached Rebecca Thomas was in a defective condition and/or in a condition that was unreasonably dangerous to the Plaintiff as the ultimate consumer, as those terms are defined by the Alabama Extended Manufacturer's Liability Doctrine.

16. In using the sealer, as it was intended to be used and foreseeably used, Rebecca Thomas suffered damages and injury when she applied the product to her house located in Walker County, Alabama.

17. As a proximate result of the unreasonably dangerousness and defectiveness of the product, Rebecca Thomas was caused to suffer from acute leukemia.

WHEREFORE, Plaintiff demands judgment against the Defendant for compensatory damages, punitive damages, a reasonable attorney's fee, all other costs in an amount the Court determines to be just and fair, and any and all other relief, both general and special, to which Plaintiff is entitled.

Respectfully Submitted,

/s/ Zachary S. Morro
Zachary S. Morro (MOR192)
Attorney for Plaintiff
Morro Law Center, LLC
P.O. Box 1644
Gardendale, AL 35071
(205) 631-6301

DEFENDANT TO BE SERVED VIA CERTIFIED MAIL BY FILER AT:

BEHR Paint Company
1801 E. St. Andrew Place
Santa Ana, CA 92705

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BEHR Paint Company
1801 E St. Andrew Place
Santa Ana, CA 92705



9590 9402 7360 2028 3628 14

2. Article Number (Transfer from service label)

7020 1290 0000 1728 8553

COMPLETE THIS SECTION

A. Signature

X *Susan Odom*
Behr

B. Received by (Printed)

15/23/22

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- | | |
|---|--|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery
(over \$500) | |

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt



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64-CV-2022-000010.00

CIRCUIT COURT OF

WALKER COUNTY, ALABAMA

SUSAN ODOM, CLERK



First-Class Mail
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USPS
Permit No. G-10

9590 9402 7360 2028 3628 14

**United States
Postal Service**

- Sender: Please print your name, address, and ZIP+4® in this box.

Morro Law Center, LLC
P.O. Box 1644
Gardendale, AL 35071
RE: Thomas



AlaFile E-Notice

64-CV-2022-000010.00

To: SCOTT THOMAS MORRO MR
morrolawcenter@bellsouth.net

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF WALKER COUNTY, ALABAMA

GEORGE THOMAS, ESTATE OF REBECCA THOMAS VS BEHR PAINT COMPANY
64-CV-2022-000010.00

The following RETURN ON SERVICE - SERVED was FILED on 5/31/2022 12:04:57
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Notice Date: 5/31/2022 12:04:57 PM

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CIRCUIT COURT CLERK
WALKER COUNTY, ALABAMA
1803 3RD AVE
SUITE 205
JASPER, AL, 35501

205-384-7268



AlaFile E-Notice

64-CV-2022-000010.00

To: BEHR PAINT COMPANY (PRO SE)
1801 E ST ANDREW PLACE
SANTA ANA, CA, 92705-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF WALKER COUNTY, ALABAMA

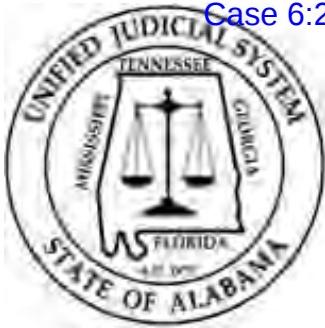
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To: MORRO ZACHARY SCOTT
zsmorro@zsmlaw.com

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